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PDSI/jsl

OFFICE OF THE PATENT AND TRADEMARK OFFICE  
FEB 05 2008  
PATENT & TRADEMARK OFFICE

"PATENT"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

ROBERT EDWARD LEE

U.S. Plant Patent No. PP15,077 P2

Issued: August 10, 2004

GENUS SPECIES RHODODENDRON HYBRID  
VARIETAL DENOMINATION 'ROBLEE'

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Alexandria, Virginia  
February 5, 2008

PETITION UNDER 37 CFR § 1.324  
TO CORRECT INVENTORSHIP

Dear Sir:

Under the provisions of 37 CFR § 1.324, assignees  
Plant Development Services, Inc. and Robert Edward Lee  
hereby request correction of the inventorship in the  
captioned Patent by deleting the currently named inventor  
Robert Edward Lee and adding as inventor Flint Jerome  
Johnson.

The assignees petition to delete Robert Edward Lee  
as inventor and add as inventor Flint Jerome Johnson in the  
captioned Patent. It has been determined that Flint Jerome  
Johnson is the inventor as to the claimed subject matter and  
not Robert Edward Lee because Flint Jerome Johnson was the  
person who discovered the new and distinct sport variety

plant claimed in the captioned Patent and recognized the unique characteristics thereof. The error in the inventorship occurred without deceptive intent by the currently named inventor Robert Edward Lee and inventor Flint Jerome Johnson. Attached hereto is a "Statement Of Flint Jerome Johnson," the inventor to be added, to this effect. Also attached hereto is a "Statement Of Robert Edward Lee," the inventor to be deleted, that he agrees with the change in inventorship.

The captioned Patent was originally partially assigned by Robert Edward Lee (50%) to Plant Development Services, Inc. See Reel 014589, Frame 0094. The captioned Patent is concurrently being assigned by Flint Jerome Johnson to Plant Development Services, Inc. (50%) and Robert Edward Lee (50%). Attached hereto are (1) a "Statement Under 37 CFR § 3.73(b)" establishing ownership of the assignees, Plant Development Services, Inc. and Robert Edward Lee, and (2) a "Statement Of Assignees" agreeing to the change of inventorship in the captioned Patent.

Also attached hereto is a Power of Attorney by the assignees with PTO Form 123.

In accordance with the provisions of 37 CFR § 1.20(b), the assignees are submitting the petition fee of \$130.00. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any

PDSI/U.S. Plant Patent No. PP15,077 P2

overpayment, to Deposit Account No. 02-3690.

Grant of the Petition is respectfully requested.

Respectfully submitted,

ROBERT EDWARD LEE and  
PLANT DEVELOPMENT SERVICES, INC.

By   
Theodore A. Breiner, Attorney  
Registration No. 32,103  
BREINER & BREINER, L.L.C.  
P.O. Box 320160  
Alexandria, Virginia 22320-0160

Telephone: (703) 684-6885

Attachments - Statement Of Flint Jerome Johnson (Inventor To  
Be Added)  
- Statement Of Robert Edward Lee (Currently  
Named Inventor)  
- Statement Of Assignees (2)  
- Statement Under 37 CFR § 3.73(b) w/Assignment (2)  
- Power of Attorney w/ PTO Form 123 (2)  
- \$130 Petition Fee (Check)

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STATEMENT OF FLINT JEROME JOHNSON

Dear Sir:

I, Flint Jerome Johnson, declare -

1. That I reside at 3790 Lakefront Drive, Mobile, Alabama 36695;
2. That I am making this Statement in support of the Petition Under 37 CFR § 1.324 To Correct Inventorship with respect to the captioned Patent, U.S. Plant Patent No. PP15,077 P2;
3. That I am being added as the inventor in the captioned Patent and that my not being previously named as the inventor in the captioned Patent occurred through error without any deceptive intent on my part;
4. That I am being added as the inventor in the captioned Patent because I was the person who discovered the new

and distinct sport variety plant in the captioned Patent and I recognized the unique characteristics thereof;

5. That I have read the captioned Patent and I believe that the Patent truly and correctly describes my invention; and
6. That I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the captioned Patent.



Flint Jerome Johnson

Date: 2-4-08

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U.S. Plant Patent No. PP15,077 P2

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

STATEMENT OF ROBERT EDWARD LEE

Dear Sir:

I, Robert Edward Lee, declare -

1. That I am currently the sole named inventor in U.S. Plant Patent No. PP15,077 P2;
2. That I am making this Statement in support of the Petition Under 37 CFR § 1.324 To Correct Inventorship with respect to the captioned Patent;
3. That I have no disagreement with deleting me as the inventor of the captioned Patent and adding Flint Jerome Johnson as the inventor in the captioned Patent;
4. That my being named as the inventor in the captioned Patent occurred through error without any deceptive intent on my part; and
5. That I declare that all statements made herein of my own knowledge are true and that all statements made on

information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the captioned Patent.

Robert Edward Lee  
Robert Edward Lee

Date: 2/1/2008

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STATEMENT OF ASSIGNEES

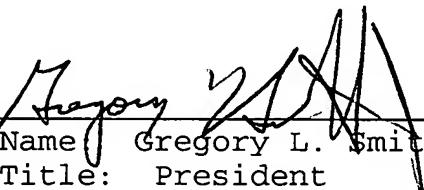
Dear Sir:

At the time of filing the application for the captioned Patent, Plant Development Services, Inc. had an ownership interest of 50% of U.S. Plant Patent No. PP15,077 P2 issued August 10, 2004 due to an assignment (50%) from the currently named inventor Robert Edward Lee. At the time of submitting the Petition Under 37 CFR § 1.324 To Correct Inventorship of the captioned Patent, Plant Development Services, Inc. and Robert Edward Lee each have a 50% ownership interest of U.S. Plant Patent No. PP15,077 P2 issued August 10, 2004 due to an assignment from inventor Flint Jerome Johnson. The ownership of the captioned Patent is shown in the concurrently submitted Statement Under 37 CFR § 3.73(b).

This statement is being made in support of the Petition Under 37 CFR § 1.324 To Correct Inventorship of the captioned Patent.

Plant Development Services, Inc., through the below named authorized representative, and Robert Edward Lee agree to changing the inventorship of the captioned Patent from Robert Edward Lee to Flint Jerome Johnson.

PLANT DEVELOPMENT SERVICES, INC.

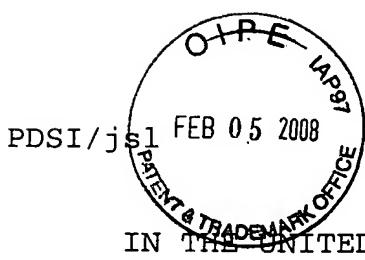
By:   
Name: Gregory L. Smith, Jr.  
Title: President

Date: 2/4/2008

ROBERT EDWARD LEE

By: \_\_\_\_\_  
Robert Edward Lee

Date: \_\_\_\_\_



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PLANT DEVELOPMENT SERVICES, INC.

By: \_\_\_\_\_  
Name: Gregory L. Smith, Jr.  
Title: President

Date: \_\_\_\_\_

ROBERT EDWARD LEE

By: Robert Edward Lee  
Robert Edward Lee

Date: 2/1/2008